

A. G. Contract No. KR99-2722-RD
ECS File: JPA-89-108
Tucson File: 0339-90
Tucson Resolution: 15079
Project: M-951-0-501
Section: US 89, Hughes Access
Rd to Irvington, Left
Turn Lane

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
CITY OF TUCSON

THIS AGREEMENT is entered into 16 November, 1989,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF TUCSON, acting by and through its City Council (the
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 and City Charter Article 1, Section 1, Chapter 4
to enter into this agreement and has by resolution, a copy of
which is attached hereto and made a part hereof, resolved to
enter into this agreement and has authorized the undersigned to
execute this agreement on behalf of the City.

3. Incident to an improvement project to US 89 State now
has in progress, City has requested, and State has agreed, to
construct an additional left turn lane for westbound Valencia
Road traffic to turn south on US 89, at City expense, estimated
to cost \$151,000.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>14383</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>11-16-89</u>
<u>Jim Shumway</u> Secretary of State

II. SCOPE OF WORK

1. State will:

a. Review the design documents as provided by the City and provide comments as appropriate.

b. By change order to it's existing construction contract incorporate the work requested by City.

c. Administer construction and approve and accept the project upon completion.

d. Invoice City actual cost of the additional work, estimated to cost \$151,000.

2. City will:

a. Provide design documents for the additional work.

b. Within thirty days after receipt of State's invoice, reimburse State the actual cost of the additional work.

c. Provide maintenance to the project outside the State right-of-way.

d. Be responsible for any contractor claims for extra compensation for delays or whatever reason attributable by State to City.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said payment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of the construction change order, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

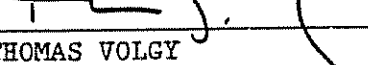
Director of Transportation
City of Tucson
Box 27210
Tucson, AZ 85726

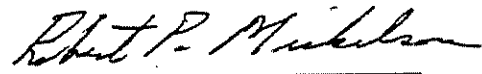
7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

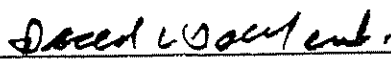
CITY OF TUCSON

STATE OF ARIZONA
Department of Transportation

By 
THOMAS VOLGY
Mayor, City of Tucson

By 
ROBERT P. MICKELSON
Deputy State Engineer

ATTEST:


DONALD L. DeMENT
City Clerk

RESOLUTION

BE IT RESOLVED on this 25th day of July 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tucson for the purpose of defining responsibilities for constructing improvements to US 89 from Hughes Access Road to Irvington.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

ADOPTED BY THE
MAYOR AND COUNCIL

~~OCT 16 1989~~

RESOLUTION NO. 15079

RELATING TO INTERGOVERNMENTAL AGREEMENTS; REPEALING RESOLUTION NO. 14961 ADOPTED JULY 3, 1989; AUTHORIZING AND APPROVING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A DUAL LEFT TURN LANE TO ACCOMMODATE LEFT TURNING MOVEMENTS FOR WESTBOUND VALENCIA ROAD TRAFFIC ATTEMPTING TO TURN SOUTH ON U.S. 89.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. That Resolution No. 14961 passed and adopted by the Mayor and Council on July 3, 1989 is hereby repealed.

SECTION 2. The Intergovernmental Agreement with the Arizona Department of Transportation for construction of a dual left turn lane to accommodate left turning movements for westbound Valencia Road traffic attempting to turn south on U.S. 89, attached hereto as Exhibit A, is approved.

SECTION 3. The Mayor is hereby authorized and directed to execute the said Intergovernmental Agreement for and on behalf of the City of Tucson, and the City Clerk is directed to attest the same.


SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona OCT 16 1999.


MAYOR


ATTEST:



CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED BY:

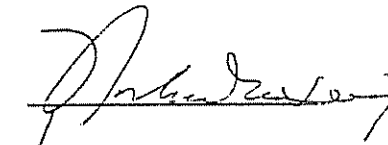

for CITY MANAGER


MWT:rsj
9/27/89

APPROVAL OF THE CITY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF TUCSON and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 27th day of September, 1989.



City Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR 89-2720-TCD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 13th day of November, 1989.

ROBERT K. CORBIN
Attorney General

James R. Roberts
Assistant Attorney General
Transportation Division